

**MENTAL HEALTH AND SUBSTANCE USE RESOURCES FOR  
CERTAIN SCHOOL DISTRICTS****CHAPTER 1019**

H.B. No. 19

**AN ACT****relating to mental health and substance use resources for certain school districts.***Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Chapter 8, Education Code, is amended by adding Subchapter E to read as follows:

**SUBCHAPTER E. MENTAL HEALTH AND SUBSTANCE USE RESOURCES FOR  
SCHOOL DISTRICT PERSONNEL**

*Sec. 8.151. DEFINITIONS. In this subchapter, "local mental health authority" and "non-physician mental health professional" have the meanings assigned by Section 571.003, Health and Safety Code.*

*Sec. 8.152. EMPLOYMENT OF NON-PHYSICIAN MENTAL HEALTH PROFESSIONAL AS MENTAL HEALTH AND SUBSTANCE USE RESOURCE. (a) A local mental health authority shall employ a non-physician mental health professional to serve as a mental health and substance use resource for school districts located in the region served by a regional education service center and in which the local mental health authority provides services.*

*(b) If two or more local mental health authorities provide services in a region served by a regional education service center, the local mental health authority that primarily operates in the county in which the center is located shall:*

- (1) employ the non-physician mental health professional;*
- (2) in making a hiring decision, consult with other local mental health authorities providing services in that region; and*
- (3) before making the final hiring decision, consult with the center.*

*Sec. 8.153. INTERAGENCY COLLABORATION; MEMORANDUM OF UNDERSTANDING. (a) A local mental health authority that employs a non-physician mental health professional under Section 8.152 and the regional education service center shall collaborate in carrying out this subchapter.*

*(b) Each regional education service center shall provide for a non-physician mental health professional employed for the region served by the center with a space for the professional to carry out the professional's duties under Section 8.155. The local mental health authority that employs the professional shall pay the center a reasonable, negotiated cost-recovery fee for providing the space and administrative support as outlined in the memorandum of understanding entered into under Subsection (c). The cost-recovery fee may not exceed \$15,000 per year unless the local mental health authority and center agree to a higher amount.*

*(c) A local mental health authority and a regional education service center shall enter into a memorandum of understanding for the administration of this section.*

*Sec. 8.154. SUPERVISION OF NON-PHYSICIAN MENTAL HEALTH PROFESSIONAL. A local mental health authority that employs a non-physician mental health professional under Section 8.152 shall:*

- (1) supervise the professional in carrying out the professional's duties under Section 8.155; and*
- (2) consult with any other local mental health authorities in the region and the regional education service center for input on supervising the professional.*

*Sec. 8.155. DUTIES OF NON-PHYSICIAN MENTAL HEALTH PROFESSIONAL. (a) A non-physician mental health professional employed under Section 8.152 shall, to the greatest extent possible, work collaboratively with the regional education service center and shall act as a resource for the center and school district personnel by:*

(1) *helping personnel gain awareness and a better understanding of mental health and co-occurring mental health and substance use disorders;*

(2) *assisting personnel to implement initiatives related to mental health or substance use under state law or agency rules, interagency memorandums of understanding, and related programs;*

(3) *ensuring personnel are aware of:*

(A) *the list of recommended best practice-based programs and research-based practices developed under Section 161.325, Health and Safety Code;*

(B) *other public and private mental health and substance use prevention, treatment, and recovery programs available in the school district, including evidence-based programs provided by a local mental health authority and other public or private mental health providers; and*

(C) *other available public and private mental health and substance use prevention, treatment, and recovery program resources administered by the local mental health authority or the Health and Human Services Commission to support school districts, students, and families;*

(4) *on a monthly basis, facilitating mental health first aid training;*

(5) *on a monthly basis, facilitating training regarding the effects of grief and trauma and providing support to children with intellectual or developmental disabilities who suffer from grief or trauma; and*

(6) *on a monthly basis, facilitating training on prevention and intervention programs that have been shown to be effective in helping students cope with pressures to:*

(A) *use alcohol, cigarettes, or illegal drugs; or*

(B) *misuse prescription drugs.*

(b) *A non-physician mental health professional employed under Section 8.152 may not treat or provide counseling to a student or provide specific advice to school district personnel regarding a student.*

**Sec. 8.156. PARTICIPATION BY SCHOOL DISTRICT NOT REQUIRED.** *This subchapter does not require a school district to participate in training provided by a non-physician mental health professional or otherwise use the professional as a resource.*

**Sec. 8.157. DISTRIBUTION OF FUNDING.** *A state agency to which money is appropriated to carry out this subchapter shall ensure that the money is distributed equally among the local mental health authorities that employ and supervise non-physician mental health professionals under this subchapter.*

**Sec. 8.158. REPORT.** (a) *Before the last business day of each calendar year, each local mental health authority that employs and supervises a non-physician mental health professional under this subchapter shall prepare and submit a report to the Health and Human Services Commission regarding the outcomes for school districts and students resulting from services provided by the non-physician mental health professional.*

(b) *Not later than January 31 of the following calendar year, the Health and Human Services Commission shall compile the information submitted under this section and prepare and submit a report to the lieutenant governor, the speaker of the house of representatives, each standing committee of the legislature having primary jurisdiction over mental health, each standing committee of the legislature having primary jurisdiction over public education, and the agency. Before submitting the report under this subsection, the commission shall provide the agency a reasonable opportunity to review and provide input on the contents of the report.*

**SECTION 2.** *A local mental health authority is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, a local mental health authority may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.*

**SECTION 3.** *This Act takes effect September 1, 2019.*

Passed by the House on April 16, 2019: Yeas 127, Nays 19, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 19 on May 23, 2019: Yeas 134, Nays 7, 2 present, not voting; passed by the Senate, with amendments, on May 17, 2019: Yeas 28, Nays 3.

Approved June 14, 2019.

Effective September 1, 2019.

## NOTIFICATION OF AFFECTED PERSONS OF CERTAIN RELEASES OF WATER FROM CERTAIN DAMS

### CHAPTER 1020

H.B. No. 26

#### AN ACT

relating to the notification of affected persons of certain releases of water from certain dams.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 12.052, Water Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3), and (a-4) to read as follows:

(a) The commission shall make and enforce rules and orders and shall perform all other acts necessary to provide for the safe construction, *operation*, maintenance, repair, ~~and~~ removal, *and emergency management* of dams located in this state. In performing the commission's duties under this subsection, the commission shall identify and focus on the most hazardous dams in the state.

(a-1) *The commission shall require the owner or operator of a state-regulated dam that has a spillway with gates used to regulate flood waters to notify local emergency operation centers in downstream communities when spillway releases are made to regulate flood waters, according to the commission's emergency action plan guidelines.*

(a-2) *Emergency operation centers notified under Subsection (a-1) shall provide notice to the public when a release may contribute to flooding that may result in damage to life and property through all available means and shall include, at a minimum, the following information, if available:*

- (1) the names of the dam and reservoir;*
- (2) the communities downstream that may be impacted and estimated time of impact;*
- (3) the names of affected river basins and tributaries;*
- (4) the expected duration of the release;*
- (5) the level of potential flooding according to the National Weather Service River Forecast Center; and*
- (6) the roads or bridges that are expected to be affected.*

(a-3) *A notice provided under Subsection (a-2) must include the following disclaimer: "Actual flood conditions may vary significantly from the alert based on new or changed conditions; advanced alerts of changed conditions may not be possible."*

(a-4) *Notwithstanding any other defense or immunity that may apply, a notice provided under Subsection (a-1) or (a-2) may not be considered an admission of liability and may not be used as evidence in any suit related to the releases that are the subject of the notice.*

SECTION 2. (a) Not later than January 1, 2020, the Texas Commission on Environmental Quality shall provide guidance for developing a notification plan through a dam owner's emergency action plan for state-regulated dams that have a spillway with gates used to regulate flood waters.